

**STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
BOARD MEETING**

FINAL MINUTES

April 3, 4 & 5, 2013

**(KEY: MSC = MOTION: MADE, SECOND: CARRIED
MSF = MOTION: MADE, SECOND: FAILED)**

THE REGULAR MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 8:25 A.M. ON APRIL 3, 2013 IN THE MEETING ROOM, AT THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD OFFICE, 1365 N. ORCHARD STREET, ROOM 172, BOISE, IDAHO. MEMBERS WAYNE HUNSUCKER (CHAIRMAN), CHRIS KORELL, LOUISE STARK, TOM LONG AND ALEX IRBY WERE IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD, BOARD SECRETARY LORI THOMASON, ASSISTANT BOARD SECRETARY ROBIN BROWN, EDUCATION/ENFORCEMENT CHIEF RANDY WADLEY, AND BOARD ATTORNEY ROGER HALES.

Agenda - Director Howard gave a brief overview of the agenda.

Financial Report – The Director explained that the financial plan was on track with some expenditures being a little higher than previous years due to the needed Information Technology improvements and to the negotiated rule making process that had been discussed at earlier meetings. He said he expects to finish the year with funds left in the personnel budget, but expects to possibly overspend the operations budget slightly. He said overall that he anticipates returning a significant amount to the free fund to be made available for future appropriations. He explained he will see where finances are at the end of the fiscal year, and if it looks some additional operational funding is needed he will put it into the 2015 budget request. He also said that it appears that revenue is down from this same time last year largely due to fewer river guides being licensed. Board member Long said he suspected that the decrease in guide licenses may be that because many outfitters may not be willing to incur additional cost of insuring a part-time employee to guide only a few trips based upon the Obama Care Insurance Requirements.

The Board asked about funds available in the enforcement budget. Mr. Wadley said that the funds were available and that spending represented not only the total number of cases being processed but how they were being handled internally. He said his coordination with IDFG Enforcement and their handling a number of covert cases has helped. Director Howard said that as the Board will see during Mr. Wadley's report that Mr. Wadley is handling as many cases as ever before but is much more efficient than his predecessors. He said while much of the enforcement budget being returned to the free fund account is due to this efficiency, it is also due to the fact that Mr. Wadley is working part-time and does not receive benefits. He reminded the Board that due to the state personnel requirements Mr. Wadley can only work 5 consecutive months and then must take a month off. He reminded the Board that working part time was at Mr. Wadley's choosing but that it was working very well.

MSC (MOTION: STARK, SECOND LONG – AYES: HUNSUCKER, KORELL, AND IRBY; NAYES: -- NONE) TO ACCEPT THE FINANCIAL REPORTS FOR DECEMBER 2012, JANUARY, FEBRUARY AND MARCH 2013.

Consent Agenda –MSC (MOTION: KORELL, SECOND, IRBY – AYES: HUNSUCKER, LONG, AND STARK: NAYES -- NONE) TO ACCEPT THE CONSENT AGENDA.

Office Supervisor Report – Lori Thomason. Presentation to Robin Brown - Ms Brown was presented with a Certificate for 10 years of State service; at the end of January there were 51 Outfitters that had not yet renewed, Robin and Susan worked diligently calling the outstanding ones and got them back on track, 330 outfitters renewed; as of yesterday there are 15 partial still pending; 3 new applications; last year 79 reminder post cards were sent out, at this time 58 reminder post cards, all but two renewed last year. Most of the people currently on the list are notorious for waiting until the end of May to renew.

The Buying and Selling presentation webinar is now on website, so if someone does have a question about buying and selling a business, we can direct them to the webinar on the website. Staff will be developing more webinars as the needs are identified.

Education/Enforcement Report – Randy Wadley

Enforcement Case Overview: Education and Enforcement Supervisor Randy Wadley explained the cases he has investigated for the 2012 year, & first few months of 2013 year. He said that in the 2013 year so far there were 14 total investigation with 10 closed to be closed as of April 18, 2013. He provided the following summary of annual case investigations for the past three years: 2012 - 126 Cases w/121 closed as of December. 31, 2012. Chief Wadley personally investigated and closed 101 of the 126 Cases. In 2011 - 82 Cases w/79 closed as of December 31, 2011. He personally investigated and closed 54 of the 82 cases. In 2010 - 59 Cases w/56 Closed as of December. 31, 2010. He personally investigated and closed 33 of the 59 Case Complaints.

Enforcement Citations:

Lawry V. Wilde – Owner of Island Park Cabins & Rentals - Chief Wadley explained this matter stemmed from a Fremont County Magistrate Court conviction for an unlicensed guided snowmobile trip conducted by Lawry V. Wilde – Owner of Island Park Cabins & Rentals. It was the result of a covert investigation by IOGLB & IDF&G officers. He said IOGLB received payment of cost recovery and restitution from Fremont County Magistrate Court in the amount of \$6,194.82 dollars which was payment in full on 01/04/2013.

Chief Wadley explained the following citations issued by the IOGLB Enforcement Division:

Wesley Tillberg – Guide for Heavens Gate Outfitters – IOGLB received payment of cost recovery in the amount of \$232 dollars which was payment in full on 03/01/2013. Stemming from previous board discipline matter and order from licensing board, at that time he did his renewal license and the matter closed.

Robin Kohls – Kohls Outfitting – IOGLB received payment of cost recovery in the amount of \$2,096.75 dollars which was payment in full on 01/31/2013. Stemming from previous board discipline matter and order from licensing board, at that time he did his renewal license and the matter closed.

Mark Troy – DA for Idaho Adventures Inc. – Cited by Montana Fish & Wildlife – November 2012, shooting from roadway (antelope), plead guilty by payment of fines. Enforcement Chief Wadley issued administrative citation to Troy, for unethical/unprofessional conduct and for conviction of Montana F & G misdemeanor citation, fine payment of \$200 dollars w/special processing fees of \$75 dollars, for investigation also placed on general probation of one year by Director Howard. Fines and fees paid by Troy 03/06/2013. Mr. Wadley asked the Board to accept fine payment and probation.

Kris Keller – Guide for Idaho Wilderness Company - Cited by IDFG for failure to validate or attach game tag (deer). Plead guilty November 2012 and paid \$960 in fines. Enforcement Chief Wadley issued administrative citation to Keller, for unethical/unprofessional conduct and for conviction of Idaho F & G misdemeanor citation, fine payment of \$200 dollars w/special process fees of \$50 dollars for investigation, also placed on general probation of one year by Director Howard. Fines and fees paid by Keller 03/01/2013. Mr. Wadley asked the Board to accept fine payment and probation.

Lonnie Allen – DA for Three Rivers Ranch – Complaint of illegal outfitting on IDFG ponds in Sand Creek Wildlife Area/Island Park area – Investigation by Enforcement Chief Wadley that Allen had authorized her guides to guide at location. Advised that not authorized, not licensed for the area and held no signed permits to use, was not grandfathered, and had no permission by IDFG to outfit/guide on property. IDFG deferred discipline to IOGLB and would not proceed further with investigation. Enforcement Chief Wadley issued administrative citation to Allen, for unethical/unprofessional conduct and for willfully operating in an area for which the licensee is not licensed or engaging in activity for which licensee is not licensed. Fine payment of \$200 dollars w/special process fees of \$75 dollars for investigation, also placed on general probation of one year by Director Howard. Fines and fees paid by Allen 02/21/2013. Mr. Wadley asked the Board to accept fine payment and probation.

The Board Encouraged Chief Wadley to continue the citation process rather than bringing individuals before the Board. They said they recognize that there will be times for individuals to be brought before the Board as well, and that individuals who are cited have the option to request a Board hearing. Attorney Hales advised that there doesn't have to be an action on each of these, just an overall motion that citations were issued and that fines were paid and the Board approves the resolution.

MSC LONG, SECOND STARK – AYES, HUNSUCKER, IRBY, KORELL TO ACCEPT CITATION REPORT, FINE PAYMENTS, GENERAL PROBATION AS EXPLAINED.

DIRECTOR'S REPORT:

Idaho Recreation and Tourism Initiative (IRTI) & GIS Mapping Project - Director Howard explained that he made a proposal to the Idaho Recreation and Tourism Initiative Project (IRTI) regarding funding further development, enhancement, and expansion of the outfitter and guide GIS mapping tool. He said that phase 1 (first year) of the proposal, including map transition from IDFG to the ID Department of Administration's server, website integration, and map editing (fixes) would cost about \$35,000 and that Phase 2 (second year) includes mapping previously unmapped areas, and would cost about \$35,000 as well. Ongoing monthly support, thereafter, would cost about \$5,000 as before.

He said that he needed some feedback from that Board that he'd provide to the IRTI Steering Committee. He said that there was support for the added functionality of the mapping tool but that there was concern over the costs. He said that he needed to provide shared costs figures to the IRTI Coordinator after visiting with the Board and those figures will be shared with the IRTI partners for the 2014 IRTI budget.

The Board discussed that this mapping project benefits tourism as a promotion tool but the outfitter members suggested it is of little direct benefit to many individual outfitters who market their services through other means. The Board recognized its importance in that it provides transparency to the public in where the state licenses and federal agencies permit outfitters to operate and provide services to the public. The Board said they also believe that the maps and more significantly the enhanced management tool are and would continue to be very important management tools to the benefit of the Board, USFS and BLM. As such, they believe that this mapping project should continue to be a shared project funded via IRTI and with hope that funding can be shared by the BLM, USFS and Board as before. Board member Long said that he believes that the Division of Tourism should also participate in the funding. The Director said the

funding could be made available from the existing budget for a third of the projected cost but that it would be hard to absorb the total cost. He also discussed several other ideas expressed by the IRTI group. Board member Korell suggested that without additional funding and support that the mapping project should be abandoned.

Status of Vacant areas – The Director updated the Board on the status of several vacant areas and prospectus to fill them.

Proposal from Michael Scott/White Cloud Outfitters – Director Howard presented a proposal from Michael Scott/White Cloud Outfitters who indicated that they would like to see some kind of a wolf specific overlap policy developed for unit 36A or an operational adjustment hearing conducted involving outfitters in that area. Board member Stark recused herself from any subsequent decision. She said that Michael Scott with White Cloud Outfitters has observed wolves crossing outside his outfitter operating area boundaries therefore making outfitted Wolf harvest challenging and nearly impossible. Since the South Mountain Wolf Zone is not reaching established harvest objectives, Mike would like to explore an overlap policy for Wolf Hunting (only) in Unit 36A and will seek support of the IDF&G as the initial first step. The Board took no action on the matter.

Memorandum of Understanding with the IDFG – Director Howard reported that Chairman Hunsucker, Board member Stark and he had met with IDFG Deputy Director Jim Unsworth, and several other IDFG staff to discuss the status of renewing the MOU with the IDFG. He said that a draft revision had been presented to the IDFG, there was seemed to be agreement that the MOU could be simplified and understood that IDFG would respond.

Status Update – Probation, Fine/Fee Setting Policy – MSC –IRBY, SECOND – KORELL –AYES – HUNSUCKER, STARK, LONG TO APPROVE THE POLICY FOR PROBATION.

Recessed for a break at 11:20 a.m.

MSC (MOTION: KORELL, SECOND, STARK – AYES: IRBY, LONG AND HUNSUCKER; NAYES: - NONE) AT 11:25 A.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS WITH THE BOARD ATTORNEY IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345(1) (B) & (F), IDAHO CODE. BOARD ATTORNEY ROGER HALES; EXECUTIVE DIRECTOR JAKE HOWARD, OFFICE SUPERVISOR LORI THOMASON WERE PRESENT. MSC (MOTION: LONG, SECOND, IRBY; - AYES: KORELL, HUNSUCKER AND STARK; NAYES: - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 11:45 A.M.

MSC (MOTION: LONG, SECOND, IRBY; AYES, HUNSUCKER, KORELL, STARK; NAYES – NONE) TO APPROVE PROPOSED STAFF COMPENSATION INCREASES PRESENTED BY THE DIRECTOR FOR 2013 AND 2014

Recessed for Lunch at 11:50 a.m.

Meeting reconvened at 1:15 p.m. By Chairman Hunsucker

IDL Lease Process – Bob Pietras from Idaho Department of Lands –

Director Howard introduced Mr. Bob Pietras from the Idaho Department of Lands. He said that Mr. Pietras had contacted him several months ago about a State Supreme Court opinion and the implications of changes brought about by that opinion to the outfitting industry as well as to the Board. He said that more

recently he'd been hearing from an outfitter about this matter who wanted to know what was going on. He said that as a result, he had organized two meetings to discuss this matter involving Board Chairman Hunsucker, Board member Korell, IOGA Executive Director Grant Simonds and representatives from IDFG were also involved.

Mr. Pietras explained to the Board that on June 29, 2012 based on the Attorney General's constitutional challenge to I.C. § 58-310A, the State Supreme Court opinion reversed a lower court's opinion that exempted cottage site leases from competitive auctions and in doing so it declared I.C. § 58-310-A to be unconstitutional in its entirety. (*Hon. Lawrence G Wasden v. State Board of Land Commissioners, June 2012*) He explained that this opinion has a direct impact on the advertising of all expiring leases and the processing of applications for new and expiring leases on state endowment trust lands and will have an impact on outfitters who lease state lands. He said that state trust lands are not public lands like lands administered by the USFS and BLM are.

He said that the IDL developed the following procedures to comply with the Supreme Court's ruling:

1. When an application for un-leased lands is received, a notice will be posted on the Department's public website indicating that an Application for Use (or Letter of Intent) has been received. The notice will include the use applied for and a general description of the parcel or parcels that contain the state endowment trust lands included in the application. The notice will indicate that anyone interested in using these same lands for any use has two weeks from the date of posting to submit their own Application for Use (or Letter of Intent).
2. If an additional application (or more than one) is received for the same use or for an incompatible use, the Department will develop draft leases for each applicant and complete a financial analysis of each lease to establish a comparison of the net financial return expected over the term of the lease. If the offered leases yield the same financial return, a lease auction will be held based on the draft leases.
3. If a disparity in the net financial return is calculated, the Department will provide to any applicant the opportunity, through modification of the provisions in their draft lease, to match the highest financial return of the offered leases. If any applicant agrees to this match, a conflict auction will be conducted. If any applicant declines to match, their application will be rejected and the applicant with the highest net financial return will be offered the lease.
4. If an additional application (or more than one) is received and the uses are compatible, the Department will process each application separately and no auction will be necessary.

Mr. Pietras explained that IDL did not previously have a standardized approach for determining lease rates for Outfitters and Guides. A non-scientific survey was conducted with neighboring states to determine the approach that was used for developing lease rates for endowment lands that are used by Outfitters in those states. It was determined that a lease rate of more than \$.15/acre would be a substantial increase for most Lessees. Therefore a range of \$.05 to .15 was determined to be suitable for endowment lands in Idaho that would meet our constitutional mandate to maximize revenue for the benefit of our beneficiaries while not having a major impact on the Outfitters. He stated IDL will have a minimum lease fee of \$500 for each Outfitter lease and that gross revenue will not be used to determine partial lease fees. He said that using IOGLB maps IDL had identified 26 outfitters operating on IDL lands. He said one concern was even with IDL leasing land to all of these outfitters the total lease payments would not offset IDL's administrative costs.

Director Howard said that during the most recent meeting with the IDL, he provided a copy of cooperative processes used by the IOGLB and USFS and BLM when a new outfitting opportunity is identified where no similar commercial activity was conducted in the past or where there's been a break in the continuity of an authorization for an operating business occurs due to a license or permit being vacated, terminated, revoked, abandoned, or due to any other similar circumstance resulting in the need to issue a new permit or license other than the sale of a business or to conduct an operation in an area where an operation had

previously been conducted. He said that in those circumstances, the IOGLB, USFS, and BLM coordinate using the process outlined to ensure that various conditions are recognized and taken into account before issuing a new permit or license. Mr. Pietras said that using this document that Director Howard provided he has begun working to develop a MOU to identify the most appropriate way to move forward with the IOGLB. He felt that it could be done in the next year.

Big Game Tag Allocation Report – (Louise Stark recused herself) - Susan Knappek said the FG had created a number of new allocated big game tag opportunities. That she had worked with Brad Compton from IDFG to determine where there were new opportunities she was there to present use calculation for eligible outfitters:

Director Howard pointed out a written request from Michael Scott, White Cloud Outfitters and Gary Madsen, 4x4 Outfitters. Louise Stark said speaking on of behalf White Cloud Outfitters after a telephone discussion with Gary Madsen of 4-4 Outfitters in regards to the allocated elk tags that were approved by the F&G Commission in Unit 37, White Cloud Outfitter and Mr. Madsen had agreed that the fairest Board option would be to allocate each business 1 bull tag and that White Cloud Outfitter should get 1 youth tag and 4-4 Outfitters get 2. Since this is a new allocation this seems to be the fairest distribution. This type of split in the allocation would make the youth tags more usable because each outfitter would then be able to offer a father & son/daughter type of hunt.

Board member Korell said that he felt that this request was outside the scope of the Allocation policy and the typical process that has been in place for some time to distribute tags and allowing outfitters to negotiate the distribution of controlled tags should not be allowed. Director Howard said that this was outside the intent of the allocation policy, but that the policy was not a statute or rule and the Board had the discretion to approve this request. He said that while the intention of allocation was to distribute tags based on the factor formula spelled in the policy, the purpose of allocation is for outfitter to best use the allocated tags provided to them. He said that he was concerned with the precedent doing this would set.

MSC (MOTION – LONG, SECOND – IRBY – AYE – HUNSUCKER; NAY – KORELL) TO ACCEPT THE UNIT 37 PROPOSAL – Both 4 X 4 OUTFITTERS GETS 1 BULL (ANTLERED) TAG AND MIKE SCOTT GETS 1 BULL (ANTLERED) AND 1 YOUTH TAG.

MSC (MOTION – LONG, SECOND- KORELL – AYES HUNSUCKER AND IRBY) TO ACCEPT ALL OTHER ALLOCATION BREAKDOWNS AS PRESENTED.

Review Outfitter Business Sale Defaults – Ken Smith License Application.

The Board reviewed information provided by Ken Smith regarding the matter of his business sale to Matt Hoffman, and his request that the Board declare a default by Mr. Hoffman and relicensing him as an outfitter licensed in that area.

The Board determined there are no statutes or rules in place that would allow the Board to address a default in a contract for the sale of a business and noted that it is a civil action and should be addressed and a determination made by the courts. The Board discussed with the Board Attorney Hales in the past, the Board has given outfitters who have sold a business where a default has occurred priority for re-licensure. Mr. Hales advised the Board that before they could consider an application they have on file the following documentation:

- 1) A Court Decision or Order establishing buyer's default of the sales contract and seller's foreclosure of buyer's business, or;
- 2) A fully executed letter or agreement from buyer relinquishing to the seller the operating area at issue along with the business assets related to such area.

Therefore, the Board confirmed that once the seller obtains the appropriate default papers from the Court and provides those papers to the Board, a new application including the federal authorization for a permit and fees would be required and once properly submitted by the seller it could be considered for licensure due to the seller no longer having ownership of the disputed business as the case may be in scenario #1 or the licensed business and licensed area(s) as the case may be in scenario #2.

The Board reviewed Mr. Smith's outfitter license application received in this office on February 19, 2013 with respect to this matter and determined that because steps #1 and #2 provided above had not happened and that the necessary land manager authorization received from both the BLM and USFS indicating a permit would not be issued to Mr. Smith, the Board determined his application to be incomplete. The Board determined that for these reasons, there was no basis to license Mr. Smith or to further concern itself with Mr. Hoffman's licensure.

MSC(MOTION – KORELL, SECOND – STARK; AYES – HUNSUCKER, LONG, IRBY) THAT ATTORNEY HALES AND EXECUTIVE DIRECTOR HOWARD WRITE A LETTER TO BOTH KEN SMITH AND MATT HOFFMAN EXPLAINING THE BOARD'S REVIEW AND DECISION REGARDING THIS MATTER.

Meeting adjourned at 3:55 p.m.

Hearing – Negotiated Rule Making - Chairman Hunsucker reconvened the Board meeting at 7:05 pm at the Red Lion Downtowner, 1800 Fairview Ave Boise. Members Wayne Hunsucker (Chairman), Chris Korell, Louise Stark, Tom Long and Alex Irby were in attendance. Also present were Executive Director Jake Howard; Board Secretary Lori Thomason, and Education/Enforcement Chief Randy Wadley.

The meeting adjourned at 8:37 p.m.

April 4th, meeting called to order at 8:30 a.m. by Chairman Wayne Hunsucker, Board members Korell, Long, Stark and Irby present.

Work Session - Scoring Applications for Prospectus for SA3, SA4A and SA4B Float and Power Boating with Fishing - Director Howard presented 7 applications to the Board to score regarding vacated Float and Power Boating opportunities on the SA3, SA4A and SA4B of the Salmon River. He said all will include fishing. He said all applications were from existing licensed outfitters in Idaho. He said explained the power and float opportunities on these river stretch that the Board must consider in their decision. He introduced Linda Price, Manager of the Challis Field Office, BLM and Robin Fehlau, from BLM State Recreation Planner and provided an overview of the scoring process. He said that typically federal permit administrators participate in the scoring of a prospectus to due to the mutual state license /federal permitting requirements. He said typically, he does not participate in scoring a prospectus and would not participate in those at this meeting. He said that the staff never does but that he and the staff would be available to answer questions.

MSC (MOTION: KORELL, SECOND, STARK – AYES: IRBY AND HUNSUCKER; NAYES: - NONE) AT 9:05 A.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS PROSPECTUS APPLICATIONS; EXECUTIVE DIRECTOR JAKE HOWARD, OFFICE SUPERVISOR LORI THOMASON, LINDA PRICE – SALMON OFFICE BLM; AND ROBIN FEHLAU - BOISE OFFICE BLM.WERE PRESENT.

MSC (MOTION: KORELL SECOND, IRBY - AYES: HUNSUCKER AND STARK; NAYES: - NONE) THAT THE BOARD COME OUT OF EXECUTIVE SESSION. EXECUTIVE SESSION

ENDED AT 12:05 P.M. WITH NO DECISION MADE.

MSC (MOTION: STARK, SECOND LONG – AYES: HUNSUCKER, KORELL, AND IRBY; NAYES: -- NONE) TO ADOPT THE RANKING FOR THE SA -3, SA -4 A SA -4 B FLOAT OPPORTUNITIES AND THAT THE DIRECTOR MOVE FORWARD LICENSING THE SUCCESSFUL OUTFITTERS TO FILL THE FLOAT BOATING OPPORTUNITIES AND TO TABLE A DECISION LICENSING POWER BOATING ON BOTH SA4 A AND SA4B UNTIL THE AUGUST MEETING. THAT THE DIRECTOR ANALYZE THIS MATTER AND BRING A RECOMMENDATION TO THE BOARD AT THAT MEETING.

Work Session - Scoring Applications for Prospectus for Big Game Hunting in Vacated Outfitter Operating Area in Unit 66 - Director Howard presented 3 applications to the Board to score regarding a vacated big game hunting area on the Palisades Ranger District, USFS. He said all were from existing outfitters operating in Eastern Idaho. He introduced District Ranger, Tracy Hollingshead who was participating by phone, from that District and provided an overview of the scoring process.

MSC (MOTION: KORELL, SECOND, STARK – AYES: IRBY AND HUNSUCKER; NAYES: - NONE) AT 1:30 P.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS PROSPECTUS APPLICATIONS; EXECUTIVE DIRECTOR JAKE HOWARD, OFFICE SUPERVISOR LORI THOMASON, AND TRACY HOLLINGSHEAD, DISTRICT RANGER FROM PALISADES RANGER DISTRICT, USFS - VIA PHONE WERE PRESENT.

MSC (MOTION: KORELL SECOND, IRBY - AYES: HUNSUCKER AND STARK; NAYES: - NONE) THAT THE BOARD COME OUT OF EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 2:45 P.M. WITH NO DECISION MADE.

MSC(MOTION –LONG, SECOND IRBY – AYES: HUNSUCKER, KORELL, STARK) - TO HAVE THE TWO TOP CANDIDATES TAPADEERA, LLC., DBA HAMILTON OUTFITTERS AND RAFTER C GUIDE AND OUTFITTING LLC., IN FOR AN INTERVIEW AND GET ADDITIONAL CLARIFICATION ON THE MAPS AND TO NOTIFY RYAN MERRITT/SMOKEY CANYON THAT HIS APPLICATION WILL NOT BE PROCESSED FURTHER.

Meeting adjourned at 3:30 p.m.

April 5, 2013, meeting called to order at 8:30 a.m. by Chairman Wayne Hunsucker, Board members Korell, Long and Irby present. Louise Stark was excused.

Carl W Hess, Guide License Hearing – A License Guide hearing was conducted before the Board by the Board's prosecutor, Mike Kane. The applicant was identified and placed under oath. Mr. Kane explained that Director Howard had deferred Mr. Hess's guide license application due to the criminal convictions he has received. Mr. Hess is seeking a guide license to work for Sulphur Creek Outfitters, DA Val Dean Schroeder appeared and testified before the Board on Mr. Hess's behalf. Mr. Hess testified and certain exhibits were introduced into evidence. **MSC (MOTION: LONG, SECOND, IRBY – AYES: HUNSUCKER AND KORELL, NAYES: - NONE) TO ISSUE A ONE YEAR NON-RESTRICTIVE PROBATIONARY LICENSE FOR 2013.**

Robert Wharff – R.A.W. Adventures – Outfitter Disciplinary Hearing – An outfitter/designated agent disciplinary hearing was conducted before the Board by the Board's prosecutor, Mike Kane. Wharff had received a misdemeanor conviction from a citation by IDFG for Unlawful employment of an unlicensed guide while in pursuit of an elk. Plead guilty November 2012 by payment of \$500 court fines.

Enforcement Chief Wadley investigation showed conviction and brought in front of licensing board for unethical/unprofessional conduct and for conviction of Idaho F & G misdemeanor citation. Mr. Wharff testified, admitted the criminal conviction and certain exhibits were introduced into evidence.

MSC (MOTION: KORELL, SECOND, LONG – AYES: IRBY AND HUNSUCKER; NAYES: - NONE) AT 9:40 A.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS DEALING WITH THE BOARD ATTORNEY IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345(1) (B) & (F), IDAHO CODE. BOARD ATTORNEY ROGER HALES. EXECUTIVE SESSION ENDED AT 9:55 A.M. WITH NO DECISION MADE.

MSC (MOTION: KORELL , SECOND, IRBY - AYES: HUNSUCKER AND LONG, NAYES: - NONE) - THAT ROBERT WHARFF BE PLACED ON RESTRICTED PROBATION OF 1 YEAR WHICH WOULD INCLUDE TAKING AND PASSING THE OUTFITTER EXAM, AND PAYING COST RECOVERY IN AMOUNT OF \$839 DOLLARS FOR VIOLATION OF UNPROFESSIONAL CONDUCT AND EMPLOYMENT OF AN UNLICENSED GUIDE.

Jace Abatti, Guide License Hearing – A License Guide hearing was conducted before the Board by the Board's prosecutor Mike Kane. Mr. Kane explained that Director Howard had deferred Mr. Abatti's guide license application due to the criminal convictions he has received and had been previously denied by a previous board hearing. Mr. Abatti is seeking a guide license to work for Matt Hoffman dba Wildtime Adventures. **MSC (MOTION: KORELL, SECOND, IRBY – AYES: HUNSUCKER AND LONG, NAYES: - NONE) TO DENY GUIDE LICENSE BASED UPON FAILURE TO SHOW AND PREVIOUS CRIMINAL HISTORY.**

Gregory Felten, Guide Disciplinary Hearing – A guide disciplinary hearing was conducted before the Board by the Board's prosecutor Mike Kane. The applicant was identified and placed under oath. Felten had received a misdemeanor conviction for Disturbing the Peace from a citation by IDFG for Failure to Validate or Tag Steelhead. Plead guilty November 2012 Idaho Co. Enforcement Chief Wadley investigation showed conviction and brought in front of licensing board for violations of IDF&G laws and rules being the untagged steelhead thus proving unethical/unprofessional conduct as well as unprofessional actions of conduct toward law enforcement officers of Idaho Fish & Game. Chad Wipperman and Jim Roll, both Senior Conservation officers with IDFG were called separately and testified by phone. Mr. Felten testified, admitted to the violation of the fish and game laws and certain exhibits were introduced into evidence.

MSF (MOTION: KORELL, SECOND, IRBY – AYE – NONE; NAY – HUNSUCKER, LONG) \$261 DOLLARS IN COST RECOVERY BY STAFF AND \$200 DOLLARS ATTORNEY FEES. MOTION FAILED.

At the Board's invitation Mr. Kane recommended 1 year non-restrictive probation; written apology to parties that meets with approval of the Board, and cost recovery. Mr. Felten indicated that if there was any fines that he would have to pay that he would not be able to pay them he is having extreme financial hardships.

MSC (MOTION: LONG, SECOND – IRBY – AYES – KORELL, HUNSUCKER) IMPOSE ONE YEAR NON-RESTRICTIVE PROBATION.

Chairman Hunsucker told Mr. Felten, that although the Board imposed no fine and did not impose a restrictive probation his conduct was of significant concern to the Board and suggested that Mr. Felten might formally apologize to IDF&G officers even though not ordered to do so.

Board Meeting Minutes
April 3, 4, 5, 2013

MSC (MOTION: IRBY – SECOND – LONG; AYES HUNSUCKER AND KORELL) TO APPROVE STIPULATION FOR CONTINUED HEARING FOR HEAVEN’S GATE OUTFITTERS/ANDREW SAVAGE TO NEXT BOARD MEETING.


MSC (MOTION - KORELL, SECOND – LONG – AYES – IRBY, HUNSUCKER. LOUISE STARK BY PHONE) TO AMEND AGENDA TO CONSIDER AN ADDITIONAL TOPIC TO CURRENT AGENDA - THE NEGOTIATED RULE MAKING PROCESS.

Next regular Board meeting is scheduled for August 6, 7 & 8 in Boise.

With no further business to come before the Board, Chairman Hunsucker adjourned the meeting at 11:45 a.m., Friday, April 5, 2013

 4/18/13
WAYNE HUNSUCKER, CHAIRMAN Date

ATTEST:

 6-14-13
JAKE HOWARD, DIRECTOR Date